

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/998,423

AMENDMENTS TO THE DRAWINGS

New Figure 4 is being submitted to show the method of the present invention.

Attachment: One New Sheet

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. By this Amendment, Applicant has added new claim 6. Thus, claims 1-6 are presently pending in the application. Applicant respectfully submits that the pending claims define patentable subject matter. By this Amendment, Applicant has amended the claims to improve clarity.

The drawings are objected to because the Examiner maintains that “the method/flow chart of allocating a frequency and “means” for performing claimed functions must be shown or the feature(s) canceled from the claim(s).” By this Amendment, Applicant has removed the “means-plus-function” limitations for the claims. Further, Applicant is submitting a new FIG. 4 illustrating the claimed method. Accordingly, the Examiner is requested to remove the objection to the drawings.

Claims 3-5 are objected to because the Examiner maintains that “ apparatus claims (3-5) are dependent of method/process of use claim (1).” By this Amendment, Applicant has amended the claims to remove the objected dependencies of the apparatus claims. Accordingly, the Examiner is requested to remove the objection to the claims.

Claims 1-5 are rejected under 35 U.S.C. § 102(e) as being anticipated by Naslund (U.S. Patent No. 6,223,031). Applicant respectfully traverses the prior art rejection.

Independent claim 1 is directed to “[a] method for allocating a carrier frequency in a radiocommunication system in which data bursts are transmitted between a remote unit.” Claim 1 recites:

recording a number of predetermined parameters which occur during a communication between the remote unit and the fixed unit without taking measurements;

allocating a probability level to each of a plurality of carrier frequencies allocated to a communication, on the basis of weighting of the recorded parameters; and

selecting a carrier frequency, from among the plurality of carrier frequencies, which has a highest probability level to be allocated to a communication.

Independent claims 2 and 5 recite features similar to those in claim 1.

With regard to independent claim 1, the Examiner cites portions of columns 6, 8 and 9 of Naslund for allegedly disclosing all of the features of the claimed invention. However, Applicant respectfully submits that it is quite clear that Naslund does not teach or suggest “recording a number of predetermined parameters which occur during a communication between the remote unit and the fixed unit without taking measurements” as recited in claim 1. As discussed on pages 2 and 4 of the specification, the present invention records parameters (events) that occur during the course of a communication, such as a number of errors that are produced, a number of retransmissions or the like, without taking measurements of parameters such interference level, signal quality, etc. Consequently, there is no need to make measurements in both transmission directions and, as a result, it not necessary that the data packets have a minimum duration.

On the other hand, Naslund suffers from the same disadvantages discussed in the “state of the art” section (pages 1 and 2) of the present application. In particular, Naslund teaches measuring a quality parameter, i.e., the interference, signal strength, bit error ratio and/or C/I

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value, for both uplink channels and downlink channels from a measurement receiver in each base station. This method has a drawback in that it is not possible to make such measurements when the nature of the information bearing data does not correspond to long and stable streams, for example, IP traffic which is characterized by being in bursts of variable and unforeseeable size.

Accordingly, Applicant respectfully submits that claims 1-6 should be allowable because the cited reference does not teach or suggest all of the features of the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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